

252

David Andrew D'Zmura  
P. O. Box 2541  
Palm Desert, CA 92261  
Tel./Fax: (760) 200-2581

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OCT 23 2003  
PETITIONS OFFICE

October 23, 2003

Office of Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

This Fax contains seven (7) sheets inclusive

Attn: USPTO Office of Petitions Attorney Mr. Paul Shanoski

via Fax: from my home phone/fax: (760) 200-2581 to USPTO Petitions fax: (703) 308-6916

Re: My Petition to Revive my Patent Application: Number 09/849,582 of May 5, 2001  
Title: METHOD OF DETERMINING ZODIAC SIGNS  
Sole Inventor/Sole Applicant/Sole Owner: David Andrew D'Zmura  
(pro se independent inventor)

**Addendum to Petition to Revive**

Dear USPTO Petitions Attorney Mr. Shanoski:

On October 10, 2003, I faxed my Reply to your initial Decision on my Petition to Revive my Application, #09/849,582, and I wish to bring to your attention the following information in the event that it may favorably or concretely assist you in forming or determining your Decision.

First, prior to the Examiner's restriction/election requirement on my Application, I had filed a substantial set of claims in my Application, comprising my set of claims which said same Examiner (Mr. Kurt Fernstrom of GAU 3712) had examined for the IPER Form 409 of my Priority Application, PCT/US00/28838 of October 18, 2000, plus 3 added claims, for which I paid \$552. After the restriction, I elected one group, and earned allowance on my set of claims for that group, comprising four independent claims and sixteen total claims, whereas I had paid for my set of thirty claims, divided into nine groups by my Examiner upon his restriction/election Office Action, said 30 claims containing sixteen independent claims. I deleted the non-elected claims without prejudice, as I intended to file divisional applications prior to issuance on my elected group of invention. Supervisory Examiner Mr. Derris Banks advised me of the claims fee amount due, \$552 as I am a pro se independent inventor, and on June 28, 2002, I effected my payment thereof by fax.

I have not received any refund, if applicable, for my payment of thirty claims, sixteen independent claims, which, prior to first examination, I reduced without prejudice to the elected group. I had not heard of any "surplus" funds in my patent application, but, I was wondering today, whether there may have been "surplus" funds in my application during this Summer, which could have been applied to my payment of the issue fee of \$650. As you are aware of my financial state, any usable funds in my application would certainly have helped, or enabled, my prompt payment.

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Attn: USPTO Office of Petitions Attorney Mr. Paul Shanoski

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page two of two

Also, as I understand my Application #09/849,582 file is in your Office, I would like to inquire on the safe receipt at your end of the original PTOL-85, Allowance for Issuance, which I mailed, by USPS first class mail, at my local USPS post office, Portola Station, Palm Desert, CA, on September 2, 2003. This is the post office where I have my personal P. O. Box 2541 address. Have you received my September 2, 2003 mailing of the original PTOL-85 on my Application?

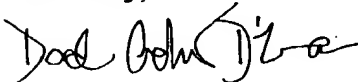
As I mentioned to you earlier, not having \$650 in funds on hand to pay the issuance fee, and in reading on the PTOL-85 that it stated clearly, "The PTOL-85 (or an equivalent) must be returned within this period even if no fee is due or the application will be regarded as abandoned", I mailed my completed, original PTOL-85 on September 2, 2003, without enclosure of payment. On the PTOL-85 Part B, Fee Transmittal, I did not check any fee as being enclosed, but I did fully complete both PTOL-85 Part A and Part B, signing and dating at applicable fields, and printed my name, and signed and dated the Certificate of Mailing portion, with the mailing date, Sept. 2, 2003. I mailed the PTOL-85 to the USPTO address from the USPS Portola Station, Palm Desert, CA.

I am attaching to this cover addendum, the following enclosures:

- 1) record of my fax transmission of 6/28/02, and my paid receipt, containing my letter of 6/27/02, Authorization to Charge my Credit Card, (which was promptly done by the USPTO);
- 2) exact, unadulterated photocopy of the original PTOL-85 of my Application, as I marked, signed, and sealed it in a standard envelope, addressed to the USPTO in Alexandria, VA, which I mailed on September 2, 2003 from the USPS Portola Station post office, Palm Desert, CA;
- 3) my paid receipt for my first-class mailing of my PTOL-85 on September 2, 2003.

Thank you for your review and consideration of these facts and documentation records.

Sincerely,



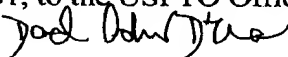
David Andrew D'Zmura

enc.

Certificate of Facsimile Transmission:

I hereby certify this facsimile transmission, this date of October 23, 2003, from my home, residential phone, (760) 200-2581, to the USPTO Office of Petitions fax number, (703) 308-6916.

David Andrew D'Zmura



Date: Oct. 23, 2003

P. O. Box 531  
Doylestown, PA 18901  
Tel. (215) 738-2110

June 27, 2002

Assistant Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D. C. 20231

Attn.: Ms. Watts

via Fax: (703) 746-3441

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Re: Application Number 09/849,582  
Filing Date: May 5, 2001  
Sole Applicant/Sole Inventor: David Andrew D'Zmura (independent inventor)

**Authorization to Charge my Credit Card**

Dear Ms. Watts:

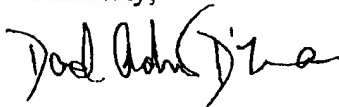
Thank you for speaking with me today regarding my payment of fees for claims, which, I understand from Supervisory Examiner Mr. Banks, total \$552, as I am a small entity.

Please charge my credit card in the amount of \$552 for my additional claims, entered in my preliminary amendment of April 9, 2002, in my patent application number 09/849,582.

Credit Card Account Holder: David Andrew D'Zmura  
Credit Card Company: American Express  
Credit Card Number: 3739 593906 31006  
Credit Card Expiration: 12/03.

Thank you for your assistance in processing my credit card authorization for payment.

Sincerely,



David Andrew D'Zmura

## TRANSMISSION VERIFICATION REPORT

TIME : 06/28/2002 12:18

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

06/28 12:18  
17037463441  
00:00:23  
01  
OK  
STANDARD  
ECM

\*\*\*\*\* SALE \*\*\*\*\*  
Mail Boxes Etc.  
Making Business Easier. Worldwide.  
\*\*\*\*\*  
Shift:0974 Drw:01 ID:1191 Clerk:terri  
6/28/02 12:22:39  
Center #3797  
Mercer Square  
73 Old Dublin Pike  
Doylestown, PA 18901  
Phone 215 230-9898

Qty	Description	Unit	Ext
1	Fax	1.00	1.00
Sub Total:			1.00
Tax:			0.00
Total Sale:			1.00
Cash:			1.00
Change:			0.00

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
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www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

06/02/2003

David Andrew D'Zmura  
P.O. Box 2541  
PALM DESERT, CA 92261

my phone (home) #: (760) 200-2581

EXAMINER

FERNSTROM, KURT

ART UNIT

CLASS-SUBCLASS

3712

434-106000

DATE MAILED: 06/02/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,582	05/05/2001	David Andrew D'Zmura		8915

TITLE OF INVENTION: METHOD OF DETERMINING ZODIAC SIGNS

I am a small entity (a pro se independent inventor)

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	<del>NO</del> YES	<del>3000</del> \$450	\$0	<del>3000</del> \$450	09/02/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☒ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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OCT 23 2003

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## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 Alexandria, Virginia 22313-1450  
**Fax** (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

06/02/2003

David Andrew D'Zmura  
 P.O. Box 2541  
 PALM DESERT, CA 92261

my phone (home) #: (760) 200-2581

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

David Andrew D'Zmura (Depositor's name)  
 David Andrew D'Zmura (Signature)  
 September 2, 2003 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,582	05/05/2001	David Andrew D'Zmura		8915

TITLE OF INVENTION: METHOD OF DETERMINING ZODIAC SIGNS

I am a small entity (a pro se independent inventor)

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$0	\$650	09/02/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
FERNSTROM, KURT	3712	434-106000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

none

1	
2	
3	

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee

☐ Advance Order - # of Copies

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

David Andrew D'Zmura September 2, 2003

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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922619998  
09/02/2003 0567760260-0097 04:10:36 PM  
(800)275-8777

		Sales Receipt	
Product	Sale	Unit	Final
Description	Qty	Price	Price
ALEXANDRIA VA 22313			\$0.37
First-Class			
Issue PVI:			\$0.37
Total:			\$0.37
Paid by:			
Cash			\$5.00
Change Due:			-\$4.63

Bill#: 1000301089305  
Clerk: 03

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